



May 20, 2008

## TECHNICAL STAFF REPORT

*Petition Accepted on April 30, 2008  
Planning Board Meeting of June 5, 2008  
County Council Hearing to be scheduled*

**Case No./Petitioner: ZRA-98 – Blue Stream, LLC**

**Request:** Zoning Regulation Amendment to Section 127.5 (CAC: Corridor Activity Center District) to 1) to modify limitations on certain banking institutions; 2) provide exceptions to the maximum height regulations for certain uses of CAC developments abutting Route 1 and I-95; 3) provide setbacks for structures and uses abutting I-95; 4) provide open space requirements; 5) provide exceptions to the floor area of commercial uses in certain CAC developments; and 6) eliminate certain prohibitions on residential uses along the Route 1 Corridor.

**Department of Planning and Zoning Recommendation: APPROVAL WITH MODIFICATIONS**

### **I. DESCRIPTION OF PROPOSAL**

- **The Petitioner proposes several significant amendments to Section 127.5 of the Zoning Regulations.**

As stated in the petition, the reason for the amendments is to provide greater flexibility for large scale mixed-use developments within the CAC District. Flexibility in building height, gross floor area, and permitted uses is needed to ensure the availability of necessary residential services such as adequately sized food stores, banking institutions, and anchor retail tenants.

- **The proposal would remove the restriction on drive-throughs from banks, savings and loan associations, investment companies, credit bureaus, brokers and other financial institutions in CAC developments of 25 acres or more provided there is no drive-through service facing Route 1.**

Currently the uses noted above are permitted only without a drive-through. The intent of the prohibition on drive-throughs is to eliminate visibility of large areas of paving and vehicles in stacking lanes from Route 1. On parcels of at least 25 acres, it is plausible that the opportunity would exist to locate drive-throughs within the interior of the site so that visibility from Route 1 is not an issue.

- **The proposal would allow certain exceptions to the current 55 foot height maximum for parcels adjoining Route 1 and I-95.**

**A maximum height of 65 feet is proposed within CAC developments abutting Route 1 for mixed-use structures incorporating some first floor retail, for buildings with structured parking, or for a hotel. One additional foot of height would be permitted for every two feet of additional setback above the minimum from an adjoining residential district (excluding any residential uses within the CAC District).**

**A maximum height of 150 feet is proposed for office structures on parcels adjoining I-95 with the provision of one additional foot of height for every one foot of additional setback above the minimum from an adjoining residential district (including any residential uses within the CAC District).**

The amendment to this section proposes that three types of structures in CAC developments abutting Route 1 as well as office buildings on parcels adjoining I-95 be permitted to have additional height with increased setbacks from residential districts. The proposed increased building heights with setbacks from residential districts for mixed use and hotel buildings allows for taller first story floor to ceiling heights needed for these building types and would be generally harmonious with the recommendations of the Manual. Additional height is not recommended for residential buildings, even with structured parking.

The intent of the portion of this amendment pertaining to buildings on parcels adjoining I-95 is to allow additional height only for buildings that adjoin I-95 and not for buildings within the interior of the parcel which do not adjoin I-95. An increased height limit to a maximum of 150 feet would not be unreasonable considering that this would allow for parking to be placed beneath office building structures; however, the setback from I-95 should be increased so that the building does not appear too tall when viewed from I-95.

- **The proposal would create a requirement for a 10 foot setback from I-95 for all structures and uses.**

Currently, the minimum setback from a public street right-of-way is zero feet for principal structures and amenity areas, and 10 feet for all other structures and uses.

DPZ would recommend a 100 foot setback from I-95 for any structure exceeding 55 feet in height. In the CE and TOD districts, the maximum building height can be increased from the 60 foot permitted height to 100 feet with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height. This increased setback is in addition to the standard required setback from public road rights-of-way in these districts, so a required 100 foot setback from I-95 would be consistent with these other district requirements and would be appropriately proportionate to I-95 based on its higher road classification. The additional setback would provide the appropriate scale and spatial context for the added height and allow space for the placement of amenity areas or landscaping to soften the view of buildings from I-95.

- **The proposed amendment would provide open space based on the size of the CAC development. For CAC developments ten acres or larger, 25% of the gross development area would be provided as open space. For CAC developments less**

**than ten acres, 10% of the net/gross development area would be provided as open space. Ten percent of the open space would be designated as an amenity area.**

Currently, there is no open space requirement other than required amenity areas. The Route 1 Manual (the “Manual”) requires that 10% of the net site area be provided in the CAC District for pedestrian amenity areas.

The proposed 25% open space provision for larger developments would provide opportunities for site enhancement and incorporation of desirable site elements that are needed to support the more intensive development of larger CAC developments, consistent with the goals of the Manual’s Site Amenities and Features section which states, “In sufficiently large developments, a centrally located public open area or focal point should be linked with other amenities through open area corridors that have paths”. The Department of Planning and Zoning (DPZ) recommends that open space calculations be based on the net site area however, and not the “gross development area”, to maintain consistency with the Manual requirements. In order to better support the intent of the open space provision, it is also recommended by DPZ that the entire 10% of open space for smaller lots be devoted to an amenity area that is open to the public. It is also recommended that 10% of the open space for larger lots be devoted to an amenity area that is open to the public.

- **The proposal would allow increased floor area for food stores and anchor retail uses on parcels of 25 acres or more (for parcels of less than 25 acres, the 20,000 square foot maximum would continue to apply).**

**Under the proposal, in developments of 25 acres or more, a maximum of one food store with a 70,000 square foot maximum gross floor area would be permitted provided a portion of the façade is wrapped with smaller stores or contains architectural features to simulate smaller retail storefronts.**

**Also under the proposal, a maximum of one commercial use with a maximum footprint of 20,000 square feet and maximum floor area of 40,000 square feet would be permitted. All other commercial uses would be limited to 20,000 square feet.**

Currently, individual retail businesses are limited to a 20,000 square foot maximum. The Petitioner states that large-scale planned mixed use pedestrian oriented communities are comprised of populations which demand the development of certain retail services such as full scale food stores and anchor retail tenants which must exceed 20,000 square feet per individual use. The proposed amendment would address the unique concerns of large-scale planned mixed use, pedestrian oriented development while discouraging single parcel big-box retail uses. The Department of Planning and Zoning concurs with the Petitioner that provided the larger floor areas are only permitted on developments of 25 acres or greater, the goals of large scale, mixed use pedestrian-oriented developments would be furthered by the amendment.

- **The proposal would permit residential dwelling units in the first floor of buildings adjoining the Route 1 right-of-way up to a maximum of 40% of the total frontage of the project. The Petitioner states that the CAC district was designed to provide for the development of pedestrian-oriented communities with a variety of mixed uses, but there does not appear to be an absolute necessity for prohibiting residential uses for buildings closest to the Route 1 right-of-way.**

Currently, the first floor of buildings on lots adjoining the right-of-way of Route 1 must have at least 50% of the first floor in retail or service uses. Residential dwelling units may not be placed in the portion of the building closest to Route 1.

Retail and service uses of the building space closest to Route 1 are encouraged by the Manual; however, residential uses such as lobbies and work-out or party rooms are permitted to be located in the building space closest to Route 1. The goal of the Manual is to provide animated building facades with detailed architectural features including windows and doors along Route 1. For these reasons as well as for reasons of safety, desirability and security, the Department of Planning and Zoning would not support the proposed changes to the current regulations.

- **The complete amendment text proposed by the Petitioner is attached to this Technical Staff Report as Attachment A (CAPITALS indicates text to be added; [[brackets indicate text to be deleted]]).**
- **The complete amendment text proposed by the Department of Planning and Zoning is attached to this Technical Staff Report as Attachment B (CAPITALS indicates text to be added; [[brackets indicate text to be deleted]]).**

## **II. EXISTING REGULATIONS**

- **The CAC District regulations in conjunction with the recommendations and requirements of the Route 1 Manual have been developed to guide development activity in the Route 1 redevelopment corridor. The proposed change for each specific section have been outlined in the above.**

## **III. BACKGROUND INFORMATION**

### **A. Scope of Proposed Amendments**

- **The proposed amendments are only applicable in the CAC District. Certain amendments such as the removal of the restriction on drive-throughs from banks, savings and loan associations, investment companies, credit bureaus, brokers and other financial institutions in CAC developments, and the allowance of increased floor area for food stores and anchor retail uses would apply only to development parcels greater than 25 acres.**
- **The proposed amendments would create a method for allowing property owners/developers of large parcels in the CAC District to have flexibility to more fully accomplish a functioning, integrated mix of residential and business uses for which the zoning district was developed.**

## **IV. EVALUATIONS AND CONCLUSIONS**

### **A. Relation to the General Plan**

- **The proposed amendments would further the policies of the Community Conservation and Enhancement chapter of the General Plan which established the need for the revitalization of the County's older communities and recommends that future development regulations should be revised to address scale and orientation of**

buildings and parking lots, ensure adequate landscaping and buffers, and provide pedestrian amenities. The Department of Planning and Zoning concurs with the Petitioner that the proposed ZRA 98 amendments are generally in harmony with the Community Conservation and Enhancement Policy No. 5.10 to “Improve the design of commercial areas.”

**B. Relation to the Zoning Regulations**

- With a principal intent to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses in centers that are located near Route 1 and close to residential communities, the ZRA 98 amendments are also in harmony with the Legislative Intent of the Zoning Regulations to “...protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County...”. The proposed amendment would allow flexibility in furthering the intended purpose of creating the Route 1 zoning districts for revitalizing the Route 1 corridor.

**V. RECOMMENDATION APPROVAL WITH MODIFICATIONS (SEE ATTACHEMENT B)**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-98, as noted above, be **APPROVED with modifications in Attachment B**.

	05/22/08
Marsha S. McLaughlin, Director	Date

MM//ZLK/zlk

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

## **ATTACHMENT A**

### **Petitioner's Proposed Text**

(CAPITALS indicates text to be added; [[brackets indicate text to be deleted]].)

#### **SECTION 127.5 CAC (Corridor Activity Center) District**

##### **A. Purpose**

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 1 Manual and the public improvements recommended by the Route 1 Corridor Revitalization Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads.

Many parcels in the CAC district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CAC district. The intent of this district will be achieved by bringing the sites into compliance with these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped.

##### **B. Uses Permitted as a Matter of Right**

1. Ambulatory health care facilities.
2. Animal hospitals, completely enclosed.
3. Antique shops, art galleries, craft shops.
4. Athletic centers, health clubs, tennis clubs and similar uses.
5. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
6. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions, without a drive-through EXCEPT THAT, IN CAC DEVELOPMENTS OF 25 ACRES OR MORE DRIVE THROUGH SERVICE SHALL BE PERMITTED PROVIDED THAT THERE SHALL BE NO DRIVE THROUGH SERVICE FACING ROUTE 1.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
10. Child day care centers and nursery schools.
11. Clothing and apparel stores with goods for sale or rent.
12. Commercial communication antennas.
13. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
14. Convenience stores.
15. Day treatment or care facilities.

16. Drug and cosmetic stores.
17. Dwellings, apartment and single-family attached, only within a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land.
18. Farmers markets.
19. Food stores.
20. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
21. Government structures, facilities and uses, including public schools and colleges.
22. Hardware stores.
23. Hotels, motels, country inns and conference centers.
24. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
25. Liquor stores.
26. Museums and libraries.
27. Nonprofit clubs, lodges, community halls.
28. Offices, professional and business.
29. Parking facilities that serve adjacent off-site uses in accordance with Section 133.B.4.
30. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
31. Pet grooming establishments and daycare, completely enclosed. [Council Bill 70-2007 (ZRA-87) Effective 1/10/08]
32. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
33. Restaurants, carryout, including incidental delivery service.
34. Restaurants, fast food, in a multi-story building without a drive-through.
35. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
36. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
37. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
38. Schools, private academic, including colleges and universities.
39. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
40. Specialty stores.
41. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
42. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Home occupations, subject to the requirements of Section 128.C.1.
3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
4. Retail sale of propane on the site of a principal retail business.
5. Snowball stands, subject to the requirements of Section 128.D.5.

## D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Residential density, maximum.....25 units per net acre
2. Maximum building height
  - a. ~~[[Parcel]]~~ CAC DEVELOPMENT abuts Route 1 ..... 55 feet  
WITH THE FOLLOWING EXCEPTIONS:
    - (1) FOR MIXED-USE STRUCTURES INCORPORATING SOME FIRST FLOOR RETAIL, FOR BUILDINGS WITH STRUCTURED PARKING OR FOR A HOTEL: AN ADDITIONAL 1 FOOT OF HEIGHT FOR THE PORTION OF THE STRUCTURE ABOVE 55 FEET:  
  
FOR EVERY 2 FEET OF ADDITIONAL SETBACK FROM AN ADJOINING RESIDENTIAL DISTRICT (TO EXCLUDE ANY RESIDENTIAL USES IN THE CAC DISTRICT) .....65 FEET
    - (2) FOR OFFICE STRUCTURES ON PARCELS ADJOINING I-95 WITH AN ADDITIONAL 1 FOOT OF HEIGHT FOR THE PORTION OF THE STRUCTURE ABOVE 55 FEET;  
  
FOR EVERY 1 FOOT OF ADDITIONAL SETBACK FROM AN ADJOINING RESIDENTIAL DISTRICT (TO INCLUDE ANY RESIDENTIAL USES WITHIN THE CAC DISTRICT) .....150 FEET
  - b. ~~[[Parcel Abuts other public roads]]~~ CAC DEVELOPMENT DOES NOT ADJOIN ROUTE 1..... 40 feet
3. Minimum building height ..... 25 feet  

The minimum building height does not apply to additions to existing, one-story buildings, provided that the existing building was lawfully constructed before the property was rezoned to the CAC district, and the addition does not increase the ground coverage of the building by more than 25 percent of the area covered by the building when the property was rezoned to CAC.
4. For sites that comply fully with the Route 1 Manual:
  - a. Minimum setbacks from public street right-of-way
    - (1) STRUCTURE AND USE SETBACK FROM I-95 .....10 FEET
    - ~~[[ (1) ]]~~(2) OTHER Principal structures and amenity areas..... 0 feet
    - ~~[[ (2) ]]~~(3) All other structures and uses ..... 10 feet
  - b. Minimum setbacks from vicinal properties
    - (1) From residential districts:
      - (a) Nonresidential structures and associated uses ..... 30 feet

- (b) Structures containing residences and associated uses..... 20 feet
- (2) From any other zoning district:  
All structures and uses ..... 0 feet
- (3) If a residential district is separated from the CAC district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

**B. Maximum Structure Setback from Public Street Right-Of-Way**

- (1) As provided in the Route 1 Manual, the building facade closest to a public street should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 1 Manual.
- (2) The Department of Planning and Zoning may also approve a setback of no more than 65 feet if the service road option is proposed and meets the following requirements:
  - (a) Creates a service road of at least 300 linear feet parallel to Route 1; and
  - (b) Meets the access and spacing requirements of the State Highway Administration and the Howard County Design Manual.

- 6. For sites developed prior to the creation of the CAC district that do not comply or only partially comply with the Landscape Manual and Route 1 Manual:

All structures and uses, minimum setback from public street right-of-way and residential districts ..... 30 feet

**E. Requirements for CAC Development**

**1. OPEN SPACE AND Amenity Area**

CAC developments shall include [[a]] MINIMUM OPEN SPACE AND AT LEAST ONE landscaped, outdoor amenity area, such as a plaza, courtyard, or garden that complies with the requirements of the Route 1 Manual.

- a. FOR CAC DEVELOPMENTS 10 ACRES OR LARGER, PROVIDE 25% OF THE GROSS DEVELOPMENT AREA AS OPEN SPACE;
- b. FOR CAC DEVELOPMENTS LESS THAN 10 ACRES PROVIDE 10% OF THE NET/GROSS AS OPEN SPACE;
- c. 10% OF THE OPEN SPACE MUST BE DESIGNED AS AN AMENITY AREA.

**2. Requirements for Nonresidential Uses**

- a. On a lot adjoining the right-of-way of Route 1, for the buildings closest to Route 1:
  - (1) At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.

- (2) The first floor of the building facade facing Route 1 must include storefronts and primary entrances for the first floor retail and service uses.
  - (3) The first floor facade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.
- b. [[Retail businesses shall not exceed 20,000 square feet of floor area for any individual business.]] THE GROSS FLOOR AREA FOR ANY INDIVIDUAL COMMERCIAL USE SHALL NOT EXCEED:
  - (1) ON PARCELS LESS THAN 25 ACRES IN SIZE ..... 20,000 SQ. FT.
  - (2) IN DEVELOPMENTS ON PARCELS 25 OR MORE ACRES IN SIZE:
    - (a) A MAXIMUM OF ONE FOOD STORE IF A PORTION OF THE FAÇADE IS WRAPPED WITH SMALLER STORES OR CONTAINS ARCHITECTURAL FEATURES TO SIMULATE SMALLER RETAIL STOREFRONTS..... 70,000 SQ. FT.
    - (b) A MAXIMUM OF ONE COMMERCIAL USE WITH A MAXIMUM FOOTPRINT OF 20,000 SQ. FT. AND A MAXIMUM FLOOR AREA OF 40,000 SQ. FT.
    - (c) ALL OTHER COMMERCIAL USES ..... 20,000 SQ. FT.

### 3. Requirements for Residential Uses

- a. Residences are permitted only within Route 1 Corridor development projects encompassing at least two gross acres of CAC-zoned land.
- b. [[The first floor of buildings or lots adjoining the right-of-way of Route 1 shall not include residential use in the building space closest to the right-of-way of Route 1. Residences may occupy other portions of the first floor space.]]  
ALONG THE RIGHT OF WAY OF ROUTE 1, RESIDENTIAL USES IN THE FIRST FLOOR SHALL NOT EXCEED 40% OF THE TOTAL FRONTAGE OF THE PROJECT.
- c. For every dwelling unit that is developed, 300 square feet of commercial space must be developed on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to 200 square feet per residential unit under the following conditions:
  - (1) The site is constrained in terms of size, shape, environmental factors or access in a manner that limits commercial development potential; or
  - (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public.
- d. The phasing of residential and commercial construction should be roughly proportional. No more than 50% of the residential units shall be constructed prior to commencing the proportional amount of commercial construction.

- e. Moderate income housing
  - (1) At least 15 percent of the dwelling units shall be moderate income housing units, except that
  - (2) At least 25 percent of the dwelling units shall be moderate income housing units if the CAC development requires closing of a mobile home park existing on the property when CAC rezoning occurs.

There are no proposed changes to the remainder of the section.

## **ATTACHMENT B**

### **Department of Planning and Zoning Proposed Text**

(CAPITALS indicates text to be added; [[brackets indicate text to be deleted]].)

#### **SECTION 127.5 CAC (Corridor Activity Center) District**

##### **A. Purpose**

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 1 Manual and the public improvements recommended by the Route 1 Corridor Revitalization Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads.

Many parcels in the CAC district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CAC district. The intent of this district will be achieved by bringing the sites into compliance with these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped.

##### **B. Uses Permitted as a Matter of Right**

1. Ambulatory health care facilities.
2. Animal hospitals, completely enclosed.
3. Antique shops, art galleries, craft shops.
4. Athletic centers, health clubs, tennis clubs and similar uses.
5. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
6. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions, without a drive-through EXCEPT IN CAC DEVELOPMENTS OF 25 ACRES OR MORE, DRIVE THROUGH SERVICE SHALL BE PERMITTED PROVIDED THAT THERE SHALL BE NO PORTION OF DRIVE THROUGH SERVICE FACING RT. 1.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
10. Child day care centers and nursery schools.
11. Clothing and apparel stores with goods for sale or rent.
12. Commercial communication antennas.
13. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
14. Convenience stores.

15. Day treatment or care facilities.
16. Drug and cosmetic stores.
17. Dwellings, apartment and single-family attached, only within a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land.
18. Farmers markets.
19. Food stores.
20. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
21. Government structures, facilities and uses, including public schools and colleges.
22. Hardware stores.
23. Hotels, motels, country inns and conference centers.
24. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
25. Liquor stores.
26. Museums and libraries.
27. Nonprofit clubs, lodges, community halls.
28. Offices, professional and business.
29. Parking facilities that serve adjacent off-site uses in accordance with Section 133.B.4.
30. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
31. Pet grooming establishments and daycare, completely enclosed. [Council Bill 70-2007 (ZRA-87) Effective 1/10/08]
32. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
33. Restaurants, carryout, including incidental delivery service.
34. Restaurants, fast food, in a multi-story building without a drive-through.
35. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
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38. Schools, private academic, including colleges and universities.
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40. Specialty stores.
41. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
42. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Home occupations, subject to the requirements of Section 128.C.1.
3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
4. Retail sale of propane on the site of a principal retail business.
5. Snowball stands, subject to the requirements of Section 128.D.5.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Residential density, maximum.....25 units per net acre
2. Maximum building height
  - a. ~~[[Parcel]]~~ CAC DEVELOPMENT abuts Route 1 ..... 55 feet  
WITH THE FOLLOWING EXCEPTIONS:
    - (1) FOR MIXED-USE STRUCTURES INCORPORATING FIRST FLOOR RETAIL OR STRUCTURED PARKING, OR FOR A HOTEL WITH AN ADDITIONAL 1 FOOT IN HEIGHT FOR EVERY 2 FEET OF ADDITIONAL SETBACK ABOVE THE MINIMUM FROM AN ADJOINING RESIDENTIAL DISTRICT (EXCLUDING RESIDENTIAL USES IN THE CAC DISTRICT) .....65 FEET
    - (2) FOR OFFICE STRUCTURES ON PARCELS ADJOINING I-95 WITH AN ADDITIONAL 1 FOOT IN HEIGHT FOR EVERY 2 FEET: OF ADDITIONAL SETBACK ABOVE THE MINIMUM FROM AN ADJOINING RESIDENTIAL DISTRICT (INCLUDING RESIDENTIAL USES WITHIN THE CAC DISTRICT).....150 FEET
  - b. ~~[[Parcel Abuts other public roads]]~~ CAC DEVELOPMENT DOES NOT ADJOIN ROUTE 1 ..... 40 feet
3. Minimum building height ..... 25 feet

The minimum building height does not apply to additions to existing, one-story buildings, provided that the existing building was lawfully constructed before the property was rezoned to the CAC district, and the addition does not increase the ground coverage of the building by more than 25 percent of the area covered by the building when the property was rezoned to CAC.

4. For sites that comply fully with the Route 1 Manual:
  - a. Minimum setbacks from public street right-of-way
    - (1) STRUCTURE SETBACK FROM I-95 ..... 100 FEET
    - ~~[[ (1) ]]~~ (2) OTHER Principal structures and amenity areas ..... 0 feet
    - ~~[[ (2) ]]~~ (3) All other structures and uses ..... 10 feet
  - b. Minimum setbacks from vicinal properties
    - (1) From residential districts:
      - (a) Nonresidential structures and associated uses ..... 30 feet
      - (b) Structures containing residences and associated uses ..... 20 feet
    - (2) From any other zoning district:  
All structures and uses ..... 0 feet
    - (3) If a residential district is separated from the CAC district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

- c. **Maximum Structure Setback from Public Street Right-Of-Way**
  - (1) As provided in the Route 1 Manual, the building facade closest to a public street should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 1 Manual.
  - (2) The Department of Planning and Zoning may also approve a setback of no more than 65 feet if the service road option is proposed and meets the following requirements:
    - (a) Creates a service road of at least 300 linear feet parallel to Route 1; and
    - (b) Meets the access and spacing requirements of the State Highway Administration and the Howard County Design Manual.
- 5. For sites developed prior to the creation of the CAC district that do not comply or only partially comply with the Landscape Manual and Route 1 Manual:

All structures and uses, minimum setback from public street right-of-way and residential districts ..... 30 feet

## **E. Requirements for CAC Development**

### **1. OPEN SPACE AND Amenity Area**

CAC developments shall include [[a]] MINIMUM OPEN SPACE AND AT LEAST ONE landscaped, outdoor amenity area, such as a plaza, courtyard, or garden that complies with the requirements of the Route 1 Manual.

- a. FOR CAC DEVELOPMENTS 10 ACRES OR LARGER, PROVIDE 25% OF THE NET SITE AREA AS OPEN SPACE. AT LEAST 10% OF THE OPEN SPACE MUST BE DESIGNED AS AN AMENITY AREA OPEN TO THE PUBLIC.
- b. FOR CAC DEVELOPMENTS LESS THAN 10 ACRES, PROVIDE 10% OF THE NET SITE AREA AS OPEN SPACE WHICH MUST BE DESIGNED AS AN AMENITY AREA OPEN TO THE PUBLIC.

### **2. Requirements for Nonresidential Uses**

- a. On a lot adjoining the right-of-way of Route 1, for the buildings closest to Route 1:
  - (1) At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
  - (2) The first floor of the building facade facing Route 1 must include storefronts and primary entrances for the first floor retail and service uses.
  - (3) The first floor facade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.

- b. [[Retail businesses shall not exceed 20,000 square feet of floor area for any individual business.]] THE GROSS FLOOR AREA FOR ANY INDIVIDUAL COMMERCIAL USE SHALL NOT EXCEED:
  - (1) ON PARCELS LESS THAN 25 ACRES IN SIZE ..... 20,000 SQ. FT.
  - (2) IN DEVELOPMENTS ON PARCELS 25 OR MORE ACRES IN SIZE:
    - (a) A MAXIMUM OF ONE FOOD STORE IF A PORTION OF THE FAÇADE IS WRAPPED WITH SMALLER STORES OR CONTAINS ARCHITECTURAL FEATURES TO SIMULATE SMALLER RETAIL STOREFRONTS..... 70,000 SQ. FT.
    - (b) A MAXIMUM OF ONE COMMERCIAL USE WITH A MAXIMUM FOOTPRINT OF 20,000 SQ. FT. AND A MAXIMUM FLOOR AREA OF 40,000 SQ. FT., AND LOCATED IN A MIXED USE BUILDING
    - (c) ALL OTHER COMMERCIAL USES ..... 20,000 SQ. FT.

### 3. Requirements for Residential Uses

- a. Residences are permitted only within Route 1 Corridor development projects encompassing at least two gross acres of CAC-zoned land.
- b. The first floor of buildings or lots adjoining the right-of-way of Route 1 shall not include residential use in the building space closest to the right-of-way of Route 1. Residences may occupy other portions of the first floor space.
- c. For every dwelling unit that is developed, 300 square feet of commercial space must be developed on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to 200 square feet per residential unit under the following conditions:
  - (1) The site is constrained in terms of size, shape, environmental factors or access in a manner that limits commercial development potential; or
  - (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public.
- d. The phasing of residential and commercial construction should be roughly proportional. No more than 50% of the residential units shall be constructed prior to commencing the proportional amount of commercial construction.
- e. Moderate income housing
  - (1) At least 15 percent of the dwelling units shall be moderate income housing units, except that
  - (2) At least 25 percent of the dwelling units shall be moderate income housing units if the CAC development requires closing of a mobile home park existing on the property when CAC rezoning occurs.

There are no proposed changes to the remainder of the section.